



## **DIRECTORATE OF HEALTH SERVICES**

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### **PROCEEDINGS OF THE ADDITIONAL DIRECTOR OF HEALTH SERVICES (PH)**

Sub:- Estt-HSD- OA(EKM)-1512/2017 file by Sri.Mukesh Babu C S and others - Leprosy Inspector Gr.II / Junior Health Inspectors Gr.II (Supernumerary) - Order from the Hon'ble KAT Complied - order issued.

Read:-1.Order dated 11.04-2014 from the Hon'ble High Court of Kerala in WA.No.2005/2010.

2.Order dated 21/07/2017 in OA(EKM)-1512/2017 from the Hon'ble Kerala Administrative Tribunal

3. Order No.EG2-106336/95/DHS dated 18.02.2009

4.GO(Ms)No.305/2004/H&FWD dated 26.11.2004

5. GO(Ms)No.275/2006/H7FWD dated 29.12.2006

6. GO(Ms)No.49/2010/H&FWD dated 04.02.2010

7. GO(Ms)No.301/2013/H&FWD dated 05.07.2013

8. Lr.No.22653/E1/2014 H&FWD dated 29.05.2017

9. Order No.EG2-106336/95/DHS dated 18.02.2009

10. A7-4746/16/DMO(H) Palakkad dated 11.04.2016

### **ORDER NO.EG2- 55890 /2017/DHS DATED: 13/10/2017**

As per the Go read 4<sup>th</sup> cited the National Leprosy Eradication Programme was integrated with General Health Services. The staff created for the program was also integrated with similar categories of General Health. The 56 Leprosy Health visitors selected through Employment Exchange during the period from 1989 to 1990 were also retained in General Health Wing as Leprosy Inspector Gr.II/ Junior Health Inspectors Gr.II (Supernumerary). As per the orders read 5 to 7 cited the Government had regularized the appointment of these 56 Leprosy Health Visitors with effect from 29.12.2006 as Junior Health Inspectors Gr.II (Supernumerary) subject to the following conditions as per paragraph 6 of the GO read 5<sup>th</sup> cited.

1. Leprosy Inspectors now in service alone are to be regularized.
2. Regularization can only be effected with prospective effect.
3. The past service cannot be counted for any service benefits including pension.
4. The post will have to be supernumerary.
5. The Regularization is subject to the final decision of the Hon'ble High Court.

Aggrieved by this order Smt.Laila T M, Leprosy Inspector and 7 others were filed W.A No.2005/2010 before the Hon'ble High Court for counting entire service for all service benefits. The Hon'ble High Court in its judgment read 1<sup>st</sup> cited has quashed the condition No.3 above and declared that "the provisional service rendered by each of the applicant shall be counted for all service including pension". Accordingly the orders were issued for counting their entire service for all service benefits including pension. (Total 56 employees - 7 applicants in W.A No.2005/2010, 43 applicants in TA-946/12, 2 applicants OA (EKM)-1073/2015, and 4 applicants in OA.1119/2016 -). 42 employees out of them have already been retired and remaining 14 employees are listed below.

Sri. Mukesh Babu.C.S and 9 others presently in service as Junior Health Inspectors Gr.II (Supernumerary) have filed this OA before the Hon'ble Tribunal for counting their provisional service for the purpose of seniority and consequential promotions. The Hon'ble Tribunal directed this respondent to take a decision on Annexure A4 representation within six weeks from the date of receipt of this order after hearing one among of the applicant or representative of them.

In compliance of the order the applicants were heard in person on 06/10/2017 and their representations were examined in detail in accordance with the judgment from the Hon'ble High Court and in various OAs from the Hon'ble Tribunal and also the decision from the Government read 8<sup>th</sup> cited. The Hon'ble High Court has quashed only the condition no.3 of paragraph 6 in the GO read 5<sup>th</sup> cited and no other amendments were declared therefore the all other conditions are existing. In condition no.2 it is clearly stated that the "Regularization can only be effected with prospective effect". Hence the applicants were eligible for getting pay fixation reckoning their provisional service but the seniority will be counted for only prospective effect as on 29/12/2006.

The seniority List was prepared by this respondent for the Leprosy Inspectors entered in service for the period from 1991-92 onwards through Public Service Commission only. The service of the applicants in this OA were regularized w.e.f. 29/12/2006 only. Hence the applicants are entitled for getting next promotion post just below the rank of the last employee selected through PSC. In the circumstances the applicants are promoted to Junior Health Inspector Gr.I (Supernumerary) in the scale of pay Rs. 29200-62400 with retrospective effect from the dates noted against their name and all are allowed to continue in the present institutions.

Sri. P.K. Pradeep, Junior Health Inspector Gr.II (supernumerary) PHC. Malampuzha, Palakkad selected through PSC was not included in this promotion list of Junior Health Inspector Gr.I (supernumerary) as per read 9<sup>th</sup> cited. Considering his request read as 10<sup>th</sup> cited he is also promoted and included in this list as Serial No.1 and allowed to continue in the present institution.

<b>.No.</b>	<b>Rank No.</b>	<b>Name &amp; Present institution</b>	<b>Date of Birth</b>	<b>Date from which effected</b>
1	24	Sri. P.K. Pradeep PHC. Malampuzha, Palakkad	17-02-1963	18-02-2009
2	31	Smt. Indira .C CHC. Nanniode, Palakkad	19-05-1963	18-02-2009
3	32	Sri.K.Haridas District Hospital, Palakkad	20-05-1964	18-02-2009
4	33	Sri. Martin Brito .I PHC.Vannamada, Palakkad	20-05-1966	18-02-2009
5	34	Smt. Sobha.K.V Leprosy Control Unit, Erumapetty, Thrissur	22-05-1962	18-02-2009
6	35	Smt. Saraswathy .K.V CHC. Kongad, Palakkad	12-05-1962	18-02-2009
7	36	Smt. Sarada.V PHC. Mathur, Palakkad	21-04-1962	18-02-2009
8	37	Smt. Ummukulsu .K.A Govt. Hospital, Pazhayannur, Thrissur	13-04-1966	18-02-2009
9	38	Smt. K.R. Geetha Leprosy Control Unit, Erumapetty, Thrissur	21-03-1967	18-02-2009
10	39	Smt. Noorjahan .M.K Govt. Hospital, Pazhayannur, Thrissur	15-05-1965	18-02-2009
11	40	Smt. Lizy Andrews Taluk Hospital, Pudukad, Thrissur	26-05-1964	18-02-2009
12	41	Sri. Mukesh Babu CHC. Chengamanad, Ernakulam	17-11-1962	18-02-2009
13	42	Smt. Jamuna.T.K CHC. Ollur, Thrissur	10-05-1964	18-02-2009
14	43	Smt. Shiny .A.K Leprosy Control Unit, Malappuram	01-03-1967	18-02-2009
15	44	Sri R. Subramanian PHC. Pudukkottai, Palakkad	09-04-1964	18-02-2009

This promotion order issued is purely provisional and subject to the finalization of seniority list and subsequent orders. The post of Leprosy Inspector Gr.II /Junior Health Inspector Gr.II (supernumerary) of the above institutions will be upgraded to that Junior Health Inspector Gr.I(supernumerary) as far as the above incumbents officiating in these posts. Consequent to this promotion remaining 15 post of Leprosy Inspector Gr.II/ Junior Health Inspector Gr.II (Supernumerary) are abolished .The District Medical Officers and head of institutions should not report this as future vacancies and no payment are allowed to draw in these posts as per the conditions laid by the GO read 1<sup>st</sup> cited.

The final order of the Honourable Administrative Tribunal dated 21/07/2017 in OA(EKM)-1512/2017 is complied accordingly.

Sd/-

Dr. K.J. Reena

Additional Director of Health Services (PH)

To,

The incumbents

- Copy to-
1. The Accountant General of Kerala, Thiruvananthapuram.
  - 2 .All District Medical Officers (Health) , Thrissur/Palakkad/Malappuram/Ernakulam
  3. The Official website of DHS
  4. File/SF

Forwarded

Superintendent